

MINUTES

NATURAL RESOURCES COMMISSION

**Diagnostic Center for Population and Animal Health
4125 Beaumont Road
Lansing**

March 10, 2005

PRESENT FOR THE COMMISSIONS

Natural Resources Commission

Keith Charters, Chair
Mary Brown
Bob Garner
Jerry Hall
John Madigan
Frank Wheatlake

Commission of Agriculture

Jim Byrum, Chair
Doug Darling
Ann Jousma-Miller
Jim Maitland
Dale Norton
Dan Wyant

PRESENT FOR DNR STAFF

Rebecca A. Humphries, Director
Dennis Fox, Chief of Staff
Dennis Fedewa, Chief Deputy
Armindia Koch, Resource Management Deputy
Other DNR Staff

Chairman Charters and Chairman Byrum recognized Representative Matt Gillard and Representative Joel Sheltroun.

**JOINT MEETING OF THE
NATURAL RESOURCES COMMISSION
AND THE
COMMISSION OF AGRICULTURE**

Update on Bovine Tuberculosis

Dr. Steve Schmitt, DNR Veterinarian, presented the "Bovine Tuberculosis (TB) Annual Report – 2004", authored by himself, Dr. Dan O'Brien, DNR, and Graham Hickling. In 2004, 15,127 white-tailed deer were tested for bovine TB with 28 testing positive. One positive dairy herd was detected. All of those testing positive are restricted to the 5-county area of Presque Isle, Alcona, Alpena, Montmorency and Oscoda. Thus far in 2005, 74 white-tailed deer have been tested with zero of those testing positive. In 2004, 107 Michigan elk were tested with no TB positives found. **Dr. Schmitt** reported that the apparent prevalence in the core area of the outbreak DMU 452 was 1.7% in 2004, a decrease of 64% since 1995. Trend analysis of prevalence data from 1995 to 2004 indicate a statistically significant decreasing trend. And two methods of estimating TB transmission rate in the deer here in DMU 452 are showing statistically significant decreasing trends. Michigan's TB intervention strategies are working; however, it is too early to claim victory in eradicating the disease. The need to stay the course is important, but will be difficult, due to ever increasing pressure from a variety of sources to lessen these intervention strategies.

With that in mind, the State of Michigan is evaluating a new intervention strategy that may be more acceptable to many hunters and landowners. The new strategy is based on live-trapping and TB-testing of wild deer, and removal of positive animals. This strategy is not intended to replace initial strategies, but may assist them in eliminating TB from the deer herd.

The Michigan Department of Natural Resources pilot-trialed the new strategy in a township with relatively high TB prevalence within DMU 452 during the winter of 2003.. The results of the pilot are cause for optimism on a number of fronts. The project was well received and supported by the public. Appreciable numbers of deer were captured with reasonable efficiency and low mortality. Tracking and removal techniques worked well. The one facet of the project that failed was the blood test. The Cervigam blood test proved not to be accurate in detecting TB positive deer. While the blood test did not perform as expected, the capture, handling and tracking techniques nevertheless provided us with a field-tested protocol for obtaining deer for other diagnostic tests and future control projects. For example, should a suitable TB vaccine ever be developed, it could be delivered by this protocol.

An effort to develop a more accurate blood testing procedure was the focus of the pilot during the 2004 hunting season. Hunters were asked to collect blood from deer harvested in DMU 452, and to submit the blood and deer head to a deer check station. The lymph nodes from the deer heads were cultured for TB and culture results compared with results from four TB blood tests. One blood test (Rapid Test) that can be done in 10-15 minutes in the field with whole blood looks promising.

Further trials with the Rapid Test (RT) may show it to be acceptably accurate for the purposes of the new strategy. If so, the RT's ability to use small quantities of whole blood and provide near instant results (which could obviate the need to collar, release and track down suspect deer, resulting in substantial cost and labor savings), would justify a more rigorous evaluation of its potential application in a test-and-cull strategy.

Department of Agriculture Director Dan Wyant noted that, in New Zealand, the TB in opossum program was scaled back and the disease prevalence increased as a result.

NRC Chairman Charters stressed the importance of keeping interest in eradicating TB. He questioned whether the decline of TB in yearling bucks has any correlation to the decline in

yearling population in the DMU 452 area. **Dr. Schmitt** replied that there are a number of reasons for the decline in TB positive yearling deer, but a decline in the yearling population in DMU 452 was not a major reason.

Representative Gillard questioned whether there have been any problems with getting samples from hunters. **Dr. Schmitt** responded that hunters did come forth with samples, but they can always use more.

Representative Gillard asked about future goals. Dr. Schmitt said two reasonable goals would be no positive cattle herds and prevalence in DMU 452 deer below 1% in the next 5 – 10 years.

Representative Sheltrown questioned how close we are to an effective vaccine. **Dr. Schmitt** responded that developing an effective vaccine is difficult. Although one has been available for years, it was not effective enough to eradicate the disease in cattle. He also stated that when using the vaccine on cattle, tests may show positive even if the animal is not infected. There has been progress, but more needs to be done before a TB vaccine can be used on deer.

Commissioner Garner said that TB has been around for a long time and asked what the prevalence of the disease might have been long ago. **Dr. Schmitt** believed prevalence was very low (<0.1%) 40 to 60 years ago, and that prevalence increased dramatically over the past 25 years due to baiting and feeding.

More information can be obtained on bovine TB by logging onto: www.michigan.gov/bovinetb .

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Director Wyant introduced **Representative Kathleen Law** who was in the audience.

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Dr. Michael VanderKlok, Veterinarian, Department of Agriculture, reviewed the bovine TB eradication in livestock program including captive cervids. He stated that, to date, 33 cattle herds and 1 cervid herd were found infected since 1997. A majority of the infected livestock herds were detected in northeast Lower Peninsula. **Dr. VanderKlok** indicated that disease risk needs to be identified and controlled to prevent the transmission of TB from wildlife, and programs to mitigate this risk are being developed and implemented with livestock herds. USDA APHIS Wildlife Services is a key player in this new area, and is currently reviewing fencing programs as well as deer removal programs utilizing landowner disease control permits

Dr. Steven Halstead, State Veterinarian, Department of Agriculture, stated that the Department of Agriculture is working with livestock producers to develop herd plans to separate free-ranging animals from farm animals. Producers are recognizing the importance of these measures and are taking on more responsibility for leading these efforts. Further, our emphasis is being turned towards defining current goals and strategies, and a renewed plan for accomplishing those strategies.

Commissioner Wheatlake questioned whether the TB positive herd detected in 2004 was a recurrence. **Dr. VanderKlok** replied yes. **Commissioner Garner** questioned whether they believe the disease transmission was from wild animals. The answer was possibly.

CHRONIC WASTING DISEASE (CWD)

Dr. Steve Schmitt presented the 2004 CWD Annual Report. In 2004, over 17,000 deer, 349 elk and 21 moose were tested for CWD in Michigan. No positives were detected. He described target deer as "skinny deer you can walk up to." From 2002 to 2005, 181 target deer were tested. All were negative for CWD. Dr. Schmitt concluded that the surveillance data suggests that

Michigan does not have a large outbreak of CWD in free-ranging deer anywhere in the state. However, there could be a small pocket of the disease somewhere in Michigan.

Dr. Schmitt continued by reviewing the summary of CWD positive out-of-state cervids brought into the State by Michigan hunters. There were 26 CWD positive deer and 1 elk imported into Michigan. He indicated that a Wildlife Conservation Order is in place that would prohibit baiting and feeding if a CWD positive animal is found within 50 miles of the Michigan border.

It has been determined that CWD can be transmitted via CWD infected carcasses and feces from infected animals. A Wildlife Conservation Order prohibits the import of deer and elk carcasses from states and provinces that have CWD.

Chairman Byrum questioned the difference between CWD and BSE. **Dr. Schmitt** responded that BSE is transmitted to humans, whereas CWD is restricted to deer and elk.

RISK-BASED AUDIT OF THE CAPTIVE/PRIVATELY-OWNED CERVID (C/P-OC) INDUSTRY IN MICHIGAN

Director Humphries reported that Drs. Tom Thorne and Beth Williams, who were nationally prominent experts on chronic wasting disease and brucellosis were killed in a car accident in late December 2004. Their deaths were not only a great loss to family and friends, but also to the scientific community.

Dr. Dan O'Brien, DNR, reviewed the origin of the captive/private-owned cervid (C/P-OC) audit. In February 2003, the Michigan Chronic Wasting Disease (CWD) Task Force was created by Executive Order. In October 2003, the Task Force recommended an immediate audit of Michigan's captive cervid industry. This audit was to find flaws or weaknesses in the current system that might lead to the entrance of CWD. In June 2004, the audits began with priority one being all Class III (Ranch) and IV (full registration); and priority two being a proportional random sample of hobby (Class I) and exhibition (Class II) facilities. The audit inspection process included meeting the facility representatives; biosecurity; completion of questionnaires and records review; fence inspections; and discussion of the results with facility representatives. The audit found that overall, there was a 37 percent non-compliance rate among C/P-OC facilities and that non-compliance increases the risk of CWD introduction and propagation.

Other findings/conclusions follow:

Conclusion: A mandatory, uniform system is needed by which each C/P-OC can be uniquely identified and tracked throughout its lifetime.

Conclusion: Despite MDA's mandatory CWD testing program for C/P-OC since 9/1/02, the testing rate is too low to detect the introduction of CWD into Michigan's C/P-OC (or be confident CWD is not already here and spreading undetected).

Conclusion: More stringent escape/recovery protocols, increased enforcement and stiffer penalties for non-reports are needed. Unreported escapes should be subject to immediate harvest.

Conclusion: For disease control, separation of the C/P-OC and wild cervids must be maintained at all times. Specific, uniform and unequivocal requirements for composition and maintenance of fences should be developed and enforced.

Conclusion: The State needs to improve the way it gathers and stores C/P-OC regulatory data. Development of an electronic data collection/reporting system to aid compliance, enforcement and risk assessment should be a high priority.

Conclusion: Regulations and procedures to deal with decommissioning and facility abandonment are needed. Penalties for abandonment should be severe to serve as a strong deterrent.

Conclusion: Due to their unique risks, consider making requirements for ranch facilities more stringent than those for other C/P-OC classes.

The full audit report can be viewed on www.michigan.gov/dnr.

Commissioner Wheatlake questioned how it is possible to identify each animal on a ranch of 800 to 1000 animals. **Dr. O'Brien** responded that realistically, it would be extremely difficult if not impossible. Consequently, more stringent biosecurity measures need to be taken in those cases.

Dr. O'Brien said that minor violations may not have all been included in the 37 percent non-compliance figure. Auditors are working on closing out final investigations now.

Commissioner Wheatlake questioned who is paying for the audits. The State of Michigan and the Federal government are sharing the cost.

Representative Gillard questioned whether specific recommendations will be taken to the Legislature for consideration. **Director Humphries** responded yes – that the recommendations will move forward.

Chairman Byrum stated that the recommendations will be taken to the Legislature for consideration. From a disease standpoint, he said that the Department of Agriculture will assist in maintaining momentum to eradicate bovine TB in wildlife and livestock.

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Director Wyant noted that future issues of joint interest between the DNR and Department of Agriculture and their respective Commissions, will be: preservation/land use; emerald ash borer; and discussion on the Court ruling on wolves.

The Joint meeting of the Natural Resources Commission and the Commission of Agriculture adjourned at 5:05 p.m.

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The public appearances portion of the Natural Resources Commission meeting convened at 5:20 p.m.

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PUBLIC APPEARANCES

Ann Louise Budd, Michigan Horse Council
Alex Draper, Michigan Deer and Elk Farmers Association
Bob McReavy, Nester Lodge, Roscommon County
Jay Miller, Friends of Brighton Recreation Area
Brian Preston, National Wildlife Federation
Richard Sprague, Cervid Farmers of Michigan
Mike Thorman, Michigan Hunting Dog Federation
Christine Vogt, Friends of Brighton Recreation Area
Chris Ward, State Representative
Sam Washington, Michigan United Conservation Clubs

Representative Chris Ward commented that the Livingston County/Brighton areas are fast growing in population. The Brighton Recreation Area, Genoa Township, is important for recreational use in that area. He asked that the DNR work with Genoa Township to keep the areas in the Brighton Recreation Area that are slated for sale in the public possession. He asked that more time be given to review the Genoa Township proposal in the event they obtain this property, prior to a decision to finalize any transactions.

Commissioner Hall said he and staff have been working with Genoa Township on this issue, and that progress is being made. It is his hope that the Township will take possession soon, but is concerned with the possibility of development.

Jay Miller, Friends of Brighton Recreation Area, stated that Genoa Township's proposal includes development. He opposes the DNR giving up holdings in the Brighton Recreation Area and has concerns that, once out of DNR ownership, development will occur.

Commissioner Garner noted that, in a letter to the Editor, Mr. Miller is quoted saying that the State is selling this property in the Brighton Recreation Area to benefit the budget deficit. He said that this is not true and that this property was originally purchased with Game and Fish Funds, but is not being utilized for hunting and fishing.

Christine Vogt, Friends of Brighton Recreation Area, opposes the sale of land in the Brighton Recreation Area stating it will reduce the public ownership of land in the Area. She does not believe Genoa Township would preserve the land for public use if they were to purchase it and that there would be development. She asked that the process be slowed to thoroughly review the Genoa Township plans for the area. She recommended future purchases of in-holdings in the Recreation Area.

Mike Thorman, Michigan Hunting Dog Federation, proposed some changes to the dry land snaring regulations that would make snares safer for hunting dogs but still be effective in catching coyotes. He said trappers and hounds men must work together to find ways to share the woods. Following are suggestions aimed at accomplishing that:

Entanglement: There needs to be language in the law that prevents entanglement situations, such as requiring that no vegetation within the circumference of a circle created by measuring the distance from the snare stake to the end of the closed snare to assure non-lethal sets.

Stops: Use stops set at 4 to 4 ½ for live catch snaring with loops of more than 7 inches that are set 7 inches or more off the ground.

Season Shift: Change the snaring season to December 1 through January 31.

Mandatory Education: Groups have offered to assist in financing professional education for DNR officers on trapping and snaring.

Increased Enforcement of Trapping Regulations for Illegally Set Traps: The Michigan Hunting Dog Federation plans to offer a reward of \$1000 for the arrest and conviction of anyone found guilty of killing a hunting dog in an illegally set snare or body grip trap.

24 Hour Trap Check: Require a 24 hour trap check to aid in the investigation of illegally set traps.

Mr. Thorman recommended that no changes to the snaring program occur until differences amongst the groups are resolved. He supports the groups working together to seek out ways for all to enjoy their respective sports.

Bob McReavy, Nester Lodge, Roscommon County, commented that the deer population in Roscommon County is low. In his estimate, there are less than 10 deer per square mile. Deer harvest was less than half this year compared to last. He said that this reduction in deer herd has sent the wrong message to hunters. **Mr. McReavy** requested that doe permits in Roscommon County be eliminated until the deer herd is back up to acceptable levels. **Chairman Charters** suggested that part of the population reduction may be caused by the large amount of private land in the County, and that the private landowners may want to reevaluate their hunting policies.

Ann Louise Budd, Michigan Horse Council, reported that Horse Expo 2005 would be held March 11, 12, and 13, 2005 at the MSU Horse Pavilion. She said it is unknown how many horses are in the State and, therefore, the Horse Council is interested in conducting a horse census. She discussed trail usage and land use issues, and asked that the DNR work with the Horse Council and users of the trails system when making changes. She said that some Horse Council members and groups would be willing to pay more to utilize and maintain trails if need be.

Alex Draper, Michigan Deer and Elk Farmers Association, thanked the DNR staff who developed the captive cervid audit. He believes that all involved worked well together in the audit process and is eager to move forward. He said the industry has been very proactive and has a marketing program in place and encourages 100 percent participation and compliance. **Commissioner Garner** said that the biggest roadblock in the industry is a few noncompliant farmers. He is pleased with the working relationships in the current DNR administration. **Director Humphries** thanked Mr. Draper for assisting in the audit process and for his cooperation.

Sam Washington, Michigan United Conservation Clubs (MUCC), stated that, preventing chronic wasting disease (CWD) from spreading into Michigan is one of MUCC's highest priorities. He expressed concern with the findings of the captive cervid audits and the "cavalier attitude that the captive cervid industry has towards management under the law and preventing the spread of CWD." MUCC is not opposed to captive cervid facilities, but believes they must operate under the law and in a manner so as to prevent the spread of disease into the wild herd. He stated that MUCC will stand vigilant in its pursuit changes and welcomes partnerships with the cervid industry and ensuring new captive cervid laws are enacted to protect the wild cervid population of the State. **Mr. Washington** also recommended that industry fees be increased to meet the costs of the audit and would not support the program being administered by the DNR without all of the cost of administering the program being paid for by the captive cervid industry. Likewise, he said he would not support returning the program to the Department of Agriculture without the necessary changes to the law including additional enforcement tools and sufficient financial resources to cover the cost of administering the program.

Brian Preston, National Wildlife Federation, echoed comments made by Mr. Washington. He stated that the captive cervid farmers need to comply with regulations or get out of the industry altogether.

Richard Sprague, Cervid Farmers of Michigan, a newly formed group formed to work closely with the DNR, MDA, MUCC and all others involved in the privately owned cervidae industry in Michigan. They believe by working together they can ensure that both the free-ranging and privately owned cervidae are CWD free. It is the goal of the Cervid Farmers of Michigan to offer solutions to areas of concern in the audit findings and educate the cervid industry regarding the need for increased testing for CWD.

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The Public Appearances portion of the meeting adjourned at 6:25 p.m. and the Regular Meeting of the NRC convened at 6:25 p.m.

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Happy Birthday Rodney Stokes

Director Humphries and Chairman Charters acknowledged Rodney's birthday and celebrated with a Birthday cake.

LEGISLATIVE REPORT

Mr. Stokes reported that the DNR/NRC was reconstituting the Partners in Conservation Awards process and are welcoming nominations.

A schedule for the upcoming Legislative Sportsmans' Caucus events and meetings was distributed.

Legislative Priorities

- **Land Exchange Facilitation Fund (LEFF)**
Submitted by Office of Land and Facilities, and Office of Communication (Legal Services)

Increase the cap of LEFF from \$2.5 million to \$5.0 million. The current cap of \$2.5m on LEFF does not recognize the rapidly increasing value of land on waterfronts and in urban areas. The ability of the DNR to release lands to better define our program boundaries; acquire critical in-holdings in project boundaries; and release land outside our boundaries for development and purchase of critical habitat is constrained in both amount of a transaction and the timing of transactions by the current cap. An increase to \$5.0m would allow the DNR to better respond to both sale and acquisition opportunities. This legislative request was introduced in 2003 as SB 917 and Senator Ron Jelinek (R-21, Three Oaks, MI) was the primary sponsor.

- **Amend Part 445 of PA 451, Charter and Livery Boats**
Submitted by Law Enforcement Division

Currently DNR's Conservation Officers (CO's) have to inspect boats carrying six passengers or less for hire on Federal navigable waters. This inspection involves a 3 to 4-hour inspection. With over 500 licensed charter boats in Michigan, our COs inspect approximately 300 boats annually.

The cost of initial inspection is \$250 (\$100 for the dockside inspection and \$150 for a renewal combination license). In 2004, \$52,580 was generated. However, it cost LED \$64,824 just for the actual inspection by field COs. The Division spent an additional \$40,000 in administrative costs associated with the program. Administrative costs are defined as: issuing the licenses, maintaining files, vehicle cost, training Officers on how to conduct an inspection, answering inquiries about boats/licenses that have been inspected, etc.

The DNR is recommending that upon issuance of a charter boat license to the owner, the owner will attest to meeting or exceeding all requirements of law or rule as it relates to the inspection certificate. This would remove the requirements of inspections conducted by COs every two years. Department COs would use in-the-water contacts to ensure compliance with the regulations.

- **Amend Part 401 of PA 451 to address Lawful Transportation of Crossbows**
Submitted by Law Enforcement Division

Current law under Part 401 of PA 451 does not clearly cover how crossbows may be transported in vehicles. As the age of our hunting population increases, an increase in use of crossbows for hunting and target shooting is also expected to increase.

Legislation is needed to regulate and define how crossbows are transported in vehicles. Our Law Enforcement Division is recommending an amendment to MCL 324.40111(3) with the suggested language: "Except as otherwise provided in this part, a person shall not transport or have in possession a bow or crossbow in or upon a vehicle, unless the bow or crossbow is unstrung, enclosed in a case, or carried in the trunk of a vehicle."

- Registration Fees for Privately-Owned Cervidae
Submitted by Wildlife Division

Currently, statute provides the Wildlife Division the ability to collect registration fees for new and renewing privately-owned cervidae facilities. These fees provide inadequate support for the administration of the program. Attempts to obtain appropriate funding mechanisms have been unsuccessful.

This legislation would modify the registration fees to a user-based funding mechanism for regulation of privately-owned cervidae facilities in Michigan. This user-based funding source would enable the State to provide oversight that is necessary to ensure that disease transmission risk between privately-owned cervids and free ranging cervids are minimized.

DIRECTOR'S REPORTS

Press Secretary

Director Humphries congratulated **Mary Dettloff** on her appointment as the DNR Press Secretary.

Brighton Recreation Area

Dave Freed, Chief, Land and Facilities, stated that the Director had approved the Brighton Recreation Area Land Transactions in February, but had asked that staff work with Genoa Township giving Genoa Township first chance at purchasing the areas slated for sale. Meetings have been held with the Township and locals, and Genoa Township, has provided a proposal for use of the land. Staff will review this proposal. He stated that the property will not go on the list for auction in April. He said the property being discussed was purchased with Game and Fish monies and that the property is not being used for hunting and fishing purposes.

Parks and Recreation Fiscal Year 2005 Budget Shortfall

Dennis Fedewa, Chief Deputy, and Ron Olson, Chief, Parks and Recreation Division, reported on the shortfall for 2005 and the proposed budget to address these shortfalls. They projected the shortfall would total \$2.3 million. Approximately \$620,000 of this deficit is the result of non-discretionary items of which the largest is the split pay issue creating an additional five days of payroll for this fiscal year. Ron Olson and the Parks and Recreation Division staff have worked with the DNR's budget staff to develop a budget reduction proposal and presented two plans for reductions. **Governor Granholm** signed 392 P.A. 2004 establishing a Citizens Committee for Michigan State Parks to assess the Parks and Recreation Division's budget issues. **Director Humphries** then appointed members to that Committee. **Chairman Charters** stated that a top priority is to ensure State Parks are fully funded and budget solutions are going to require tough decisions. Commissioner Wheatlake applauded the efforts and charge of the

Committee and looks forward to development of proposals for Legislative consideration and action.

Legal Update

Carol Bambery, Office of Communications, reported on the status of the following pending cases:

Glass v Goeckel: This case is likely to decide whether the public has the right to walk the shoreline Great Lakes in front of private property. The DNR's position is that title to bottomland below the high water mark of the Great Lakes has been vested in the State since statehood, and the public has a right to walk near the water's edge. The Supreme Court has heard arguments on the case and will render a decision.

Island Lake Shooting Range: In June 2004, Green Oak Township requested, and Circuit Court Judge Burrell later granted, a permanent injunction against the DNR ordering the DNR to operate the range so as to prevent noise from leaving the site. The court of appeals later vacated the injunction. A scheduling order has been entered by the circuit court setting the matter for mediation on June 20, 2005. A status conference is scheduled for September 12, 2005 and a non-jury trial for September 14, 2005.

Michigan Bear Hunters Association: Plaintiffs have filed a motion for summary disposition in the bobcat lawsuit. In the motion, bear hunters ask the court to order the DNR to use principals of sound scientific management in making decisions regarding taking of bobcat, which Plaintiffs define as: collecting annual harvest data; collecting hunter/trapper effort survey data; doing genetic studies on bobcats; continuing fur harvester opinion surveys; continue bobcat hunter and trapper opinion surveys; doing scent station surveys; and doing a winter track survey in unit C. Bear hunters are asking the Court to define for the DNR and NRC what it is they should do in order to satisfy the sound science principle in the management of bobcat. A scheduling conference is set for March 14.

Defenders of Wildlife v Secretary of Interior: The Oregon Federal District Court struck down U.S. Fish and Wildlife Service's rule down-listing the gray wolf from endangered to threatened status. Wisconsin, Michigan and Minnesota are working on a joint letter to U.S. Fish and Wildlife Service requesting the service to designate a Great Lakes distinct population segment which includes Michigan, Wisconsin and Minnesota and to remove wolves present in the Great Lakes distinct population segment from the Federal list of endangered and threatened wildlife.

Comben v State of Michigan: In this case the Court of Appeals rules that oil and gas is not subject to the General Property Tax Act. If oil and gas interests are not taxed under the General Property Tax Act, they are not subject to tax foreclosure. MUCC and 96 other nonprofit organizations, conservancies, environmental groups, and individual plaintiffs filed an amicus brief asking the Supreme Court to grant leave in this case and to declare that severed oil and gas rights are subject to taxation and foreclosure under the General Property Tax Act.

Special Assignment – Carol Bambery

Director Humphries stated that soon, **Carol Bambery** will be helping the DNR in a different capacity. For the next two years, Carol will relocate to Washington, D.C., where she will assist with the Teaming With Wildlife program, which is a coalition of more than 3,000 organizations working to prevent wildlife from becoming endangered by supporting increased federal funding for

state-level wildlife conservation. She will also work with the International Association of Fish and Wildlife Agencies helping coordinate legal issues among the states.

While we look forward to this connection in Washington, D.C., we will miss Carol very much. This is a wonderful career opportunity for her, and Director Humphries wishes her all the best and much success in this new venture.

2005 NRC GOALS

The 2005 NRC Goals will be finalized at the next meeting on April 7.

APPROVAL OF MINUTES – FEBRUARY 3, 2005 NATURAL RESOURCES COMMISSION MEETING

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

APPROVAL OF MINUTES – JANUARY 6, 2005 NRC POLICY COMMITTEE ON LAND MANAGEMENT MEETING

Commissioner Brown made a motion, supported by Commissioner Garner, for approval. Motion unanimously carried. Chairman Charters commended Cindy Salmon for doing a good job on composing the Minutes.

POSSESSION OF HAND AFIELD, WILDLIFE CONSERVATION ORDER AMENDMENT NO. #2 OF 2005

Commissioner Garner made a motion, supported by Commissioner Hall, for approval. Motion unanimously carried.

DIRECTOR'S ACTION ITEMS

Director Humphries stated her intent to approve all Direction's Action Items on the agenda.

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES – MEETING REPORT

Commissioner Garner noted that the NRC Policy Committee on Wildlife and Fisheries met at 11:00 a.m. on March 10, 2005 at the Diagnostic Center for Population and Animal Health. Commissioners Garner, Hall and Madigan were present for the Committee. Commissioners Charters and Wheatlake were also present. (SEE ATTACHED MINUTES)

NRC POLICY COMMITTEE ON FINANCE AND ADMINISTRATION

Commissioner Wheatlake noted that the NRC Policy Committee on Finance and Administration met on February 25, 2005 at 9:00 a.m. in Lansing. Commissioners Wheatlake and Hall were present for the Committee. Commissioner Brown also attended. Agenda items included: Annual Fund and Year-end Close Review; FY 2004 Lapse Review; 2006 Executive Budget Summary Including Capital Outlay; Audit Update; Investment Update; and 2005 Committee Goal Setting. Complete meeting minutes will be issued.

COMMISSIONERS' REPORTS

Commissioner Wheatlake reported that he had "meet and greets" with various Legislators and stressed the need to continue to work with the Legislature on critical DNR programs.

Commissioner Hall represents the NRC on the Pigeon River Country Advisory Committee as well as the Hunter Recruitment and Retention Committee. He reported attending the Pheasants Forever annual meeting.

Commissioner Madigan attended the Furbearers' Workgroup meeting in the UP; took several calls regarding QDM proposals in the UP; and commented that the wolf issue in the UP still exists. He announced that the next meeting of the UP Habitat Workgroup as well as the annual UP Wildlife and Fisheries Regulations meeting will be held on April 9 in Marquette.

Commissioner Brown stated her intent to follow the Kalamazoo River Watershed fisheries report.

Chairman Charters reported he will represent the NRC on the Citizens Committee for Michigan State Parks and stated that all Commissioners are ex officio members based on the needs of the Committee.

Commissioner Garner attended Outdoorama and other various events.

QUALITY DEER MANAGEMENT PROPOSALS

Commissioner Hall made a motion, supported by Commissioner Madigan, setting a moratorium on accepting new Quality Deer Management proposals until September 8, 2005, allowing time to complete the quality deer management process survey and recommendations. Motion unanimously carried.

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The meeting adjourned at 7:50 p.m.

NRC POLICY COMMITTEE ON WILDLIFE AND FISHERIES
March 10, 2005

**Diagnostic Center for Population and Animal Health
4125 Beaumont Road
Lansing**

Commissioners Garner (Committee Chair), Hall and Madigan were present for the Committee. Commissioners Charters, Brown and Wheatlake were also present.

State Licensed Commercial Fishing

Acting Assistant Fisheries Division Chief Tammy Newcomb introduced **Todd Grischke, Fisheries Division**, who briefly discussed: 1) a proposal to allow commercial trap netting of whitefish in the Great Lakes from the current maximum depth of 90 feet to a proposed maximum depth of 130 feet and; 2) Licensing a Great Lakes chub fishery. **Todd** then introduced **Tom Goniea, Fisheries Division**, who detailed the research that has led to the proposal to allow trap netting of whitefish in deeper waters. The research found no difference in lake trout catch in the deeper waters, and the by-catch of other fish species was much less so the expectation is that the trap netting of whitefish in deeper waters will have no significant impact on other fisheries.

The chub licensing issue relates to the crash of chub populations in the 1970s, the closure of the season on them, and the harvest of the population since that time. The proposal is to allow commercial fishery of that population under license again.

Lake Michigan Salmon

Jim Dexter, Fisheries Division, gave a presentation on the Lake Michigan salmon program, beginning with a history of the first salmon introductions, through the BKD breakout in the late 1980s and into the present. He spoke about the interactions between states and their chinook stocking programs. At present the catch-per-effort for chinook salmon on Lake Michigan is very high. That is something that Fisheries staff will be watching closely because it is what happened when alewife populations dropped in Lake Huron and the condition of salmon declined. **Jim** said Lake Michigan is significantly different from Lake Huron ecologically, and the alewife population in Lake Michigan is not expected to crash as it did in Lake Huron.

Quality Deer Management

Bill Moritz, Chief, Wildlife Division, introduced **Brian Frawley, Wildlife Division**, who discussed the Upper Peninsula (UP) quality deer management (QDM) survey results. The results are now on-line at the DNR internet site if you wish to read the reports. Neither the DMU 017 nor the UP-wide proposal produced sufficient support for the Department to recommend mandatory QDM regulations as proposed. Return rates for the surveys were very high in both cases and both proposals were supported by more than a majority of the respondents but not by the 66 percent or more required by the guidelines. Discussion ensued about how the 66 percent cutoff was recommended by the working group (including representatives of several hunter groups). Additional discussion included reminding attendees that the guidelines are now being reviewed and public comments will be accepted until the end of May. So far over 100 people have submitted comments on those guidelines.

Goals – NRC Policy Committee on Wildlife and Fisheries

Commissioner Garner then discussed the goals for the NRC Policy Committee on Wildlife and Fisheries for 2005. He and Commissioner Hall agreed that wildlife habitat is one emphasis. They would like a report on where we are with habitat management and what we are doing on it. They

talked about making an effort to enhance the Commission's involvement in helping to see that more habitat work gets done. At one point **Commissioner Garner** said we should make this, "The year of the aspen" because aspen is a key species for wildlife in Michigan. **Commissioner Hall** mentioned that we should make efforts to lease additional land for dove hunting and that we should look into managing habitat for mourning doves on state game areas in the counties that are presently open to mourning dove hunting.

Another emphasis for the Committee is accessibility, especially for hunters on state-owned lands in Michigan. **Commissioner Hall** is heading up an effort to deal with some details related to this issue.

Director Humphries recommended that the Wildlife Conservation Strategy should be another emphasis. The Commissioners agreed and said they believe continued funding and action on all species is necessary.

Commissioner Hall said that fisheries goals should include additional reports on Great Lakes Fisheries and reports on pan fish in inland lakes.

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Commissioner Wheatlake noted that any licensing changes discussed in the NRC Policy Committee on Wildlife and Fisheries meetings should be folded into discussions of the NRC Policy Committee on Finance and Administration.

Commissioner Garner opened up the meeting to public comment

PUBLIC COMMENT

John Ormsbee, Afton Deer Management, discussed deer management in Cheboygan County and spoke highly of the Wildlife staff in Gaylord, especially Glen Matthews and Brian Mastenbrook for the work they do with the group known as Afton Deer Management. He requested that Cheboygan County be deemed an experimental QDM area. Specifically, he recommended no less than three points on a side and no more than one buck. He also promoted townships planting food plots for deer habitat.

Paul Jensen, Michigan Fish Producer's Association, spoke about commercial fisheries and their "Level the Playing Field" initiative. He complimented Fisheries Division staff and noted the present positive relationship between Fisheries Division and commercial fishermen. Relative to the proposed commercial fishing regulation changes, he said the food chain change in the Great Lakes is changing the nature of fish. This proposal will be beneficial.

Ron Spaulding, United Sportsman's Alliance, requested that hunters be able to apply for all hunting licenses at one time. **Bill Moritz** responded that there could be consequences involving changes to wildlife management unit boundaries, setting permit quotas and establishing open/closed areas because we do not have the data for some species in time to set those things for a January deadline. Discussion ensued.

Pheasant Hunting

Commissioner Hall then mentioned the public meeting about extending the pheasant hunting season in the Thumb. He complimented Arnie Karr and Al Stewart on their input at the meeting and said he was pleased with the outcome of the meeting. He also presented a letter from the Uby Fox Club in opposition to the hunting of pheasants in December. He noted that the general consensus was split for those supporting extending the season versus not.

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The meeting adjourned at 12:45 p.m.